

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

GREGOIRE TOURNANT,

Defendant.

22 Cr. 276 (LTS)

ORAL ARGUMENT REQUESTED

**DECLARATION OF SETH L. LEVINE IN SUPPORT OF DEFENDANT GREGOIRE
TOURNANT’S MOTION TO DISMISS, OR, IN THE ALTERNATIVE, FOR A
HEARING**

Seth L. Levine, pursuant to 28 U.S.C. § 1746, states the following:

1. I am a partner of the law firm Levine Lee LLP, counsel for Gregoire Tournant in this action.
2. I submit this declaration in support of Mr. Tournant’s Motion to Dismiss, or, in the Alternative, for a Hearing.
3. Attached hereto as **Exhibit A** is a true and correct copy of a letter from Ann-Elizabeth Ostrager (Sullivan & Cromwell LLP (“S&C”)) to Gregoire Tournant, dated Nov. 17, 2020.
4. Attached hereto as **Exhibit B** is a true and correct copy of a letter from Christopher P. Conniff (Ropes & Gray LLP (“Ropes”)) to Gregoire Tournant, dated Nov. 18, 2020.
5. Attached hereto as **Exhibit C** is a true and correct copy of a presentation to the Securities and Exchange Commission (“SEC”) by Ropes and S&C on behalf of Allianz, dated May 5, 2021, Bates-stamped SDNY_01_52304 through SDNY_01_52381.

6. Attached hereto as **Exhibit D** is a true and correct excerpt of a transcript of Stephen Bond-Nelson's SEC testimony, *In the Matter of: Allianz Structured Return Strategy*, File No. H0-14055, dated May 20, 2021, Bates-stamped SDNY_01_51735.

7. Attached hereto as **Exhibit E** is a true and correct excerpt of a transcript of Stephen Bond-Nelson's SEC testimony, *In the Matter of: Allianz Structured Return Strategy*, File No. H0-14055, dated May 21, 2021, Bates-stamped SDNY_01_51736.

8. Attached hereto as **Exhibit F** is a true and correct copy of notes taken by S&C of a meeting between Mr. Tournant, S&C, Ropes, and Milbank LLP ("Milbank"), dated June 3, 2021.

9. Attached hereto as **Exhibit G** is a true and correct copy of notes taken by the United States Attorney's Office ("USAO") of a presentation made by S&C on behalf of Allianz, dated March 1, 2022, Bates-stamped SDNY_01_54785 through SDNY_01_54792.

10. Attached hereto as **Exhibit H** is a true and correct copy of a presentation to the USAO by S&C on behalf of Allianz, dated Jan. 20, 2022, Bates-stamped SDNY_01_54516 through SDNY_01_54650.

11. Attached hereto as **Exhibit I** is a true and correct copy of an excerpt from the *Department of Justice Manual*, titled *Principles of Federal Prosecution of Business Organizations*.

12. Attached hereto as **Exhibit J** is a true and correct copy of a speech by Director of the SEC's Division of Enforcement, Andrew Ceresney, titled *Remarks at University of Texas School of Law's Government Enforcement Institute in Dallas, Texas*.

13. Attached hereto as **Exhibit K** is a true and correct copy of a presentation to the USAO by S&C on behalf of Allianz, dated Mar. 1, 2022, Bates-stamped SDNY_01_54671 through SDNY_01_54784.

14. Attached hereto as **Exhibit L** is a true and correct copy of a letter from Ann-Elizabeth Ostrager (S&C) to Gregoire Tournant, dated June 7, 2021.

15. Attached hereto as **Exhibit M** is a true and correct copy of a letter from Christopher P. Conniff (Ropes) to Gregoire Tournant, dated June 7, 2021.

16. Attached hereto as **Exhibit N** is a true and correct copy of notes taken by the USAO of a call with S&C, dated July 13, 2021, Bates-stamped SDNY_01_55210 through SDNY_01_55224.

17. Attached hereto as **Exhibit O** is a true and correct copy of notes taken by the USAO of a call with S&C, dated July 13, 2021, Bates-stamped SDNY_01_55225 through SDNY_01_55229.

18. Attached hereto as **Exhibit P** is a true and correct copy of notes taken by the USAO of a Jan. 20, 2022 presentation made by S&C on behalf of Allianz, bates-stamped SDNY_01_54496 through SDNY_01_54515.

19. Attached hereto as **Exhibit Q** is a true and correct copy of an SEC subpoena to testify issued to Gregoire Tournant, *In the Matter of: Allianz Structured Return Strategy*, File No. H0-14055, dated April 1, 2021.

20. Attached hereto as **Exhibit R** is a true and correct copy of a letter from Stephen Ehrenberg (S&C) to Daniel R. Alonso (Buckley LLP (“Buckley”)), dated May 7, 2022.

21. Attached hereto as **Exhibit S** is a true and correct copy of a letter from Daniel R. Alonso (Buckley) to the USAO, dated Mar. 9, 2022.

22. Attached hereto as **Exhibit T** is a true and correct excerpt of the *Statement of Facts* from the plea agreement between the United States and Allianz Global Investors U.S. LLC.

23. Attached hereto as **Exhibit U** is a true and correct copy of Deputy Attorney General (“DAG”) Sally Quillian Yates’s memorandum re: *Individual Accountability for Corporate Wrongdoing*.

24. Attached hereto as **Exhibit V** is a true and correct copy of a speech by DAG Rod J. Rosenstein, titled *Remarks at the American Conference Institute's 35th International Conference on the Foreign Corrupt Practices Act*.

25. Attached hereto as **Exhibit W** is a true and correct copy of DAG Lisa Monaco’s memorandum re: *Corporate Crime Advisory Group and Initial Revisions to Corporate Criminal Enforcement*.

26. Attached hereto as **Exhibit X** is a true and correct copy of an article published by *Practical Law Litigation*, titled “Expert Q&A on DOJ’s Yates Memorandum.”

27. Attached hereto as **Exhibit Y** is a true and correct copy of an article published by *Bracewell*, titled “DOJ: Companies Serve Up Your Executives!”

28. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
December 23, 2022

By: /s/ Seth L. Levine
Seth L. Levine